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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

DREW MOORE, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

EO PRODUCTS, LLC, a Delaware limited  
liability company; and DOES 1 - 100,  
inclusive,

Defendants.

) Case No.:

) State Case No.: CIV2203224

) **EO PRODUCTS, LLC'S NOTICE OF  
REMOVAL**

) **DEMAND FOR TRIAL BY JURY**

) *[Filed concurrently with the Declaration  
of Susan Griffin-Black]*

Complaint Filed: Oct. 05, 2022

Trial Date: None set

1           **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR**  
2 **THE NORTHERN DISTRICT OF CALIFORNIA:**

3           **PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 1332, 1441, 1446,  
4 and 1453, Defendant EO Products, LLC (“Defendant” or “EO”) hereby removes this  
5 action from the Superior Court of the State of California for the County of Marin to  
6 the United States District Court for the Northern District of California, on the  
7 following grounds:

8           **STATEMENT OF THE CASE AND TIMELINESS OF REMOVAL**

9           1.       On October 5, 2022, Plaintiff Drew Moore (“Plaintiff”) commenced an  
10 action against Defendant in the Superior Court of the State of California for the  
11 County of Marin, Case Number CV2203224, by filing a Complaint entitled “*Drew*  
12 *Moore, individually and on behalf of all others similarly situated v. EO Products,*  
13 *LLC and Does 1-100, inclusive.*”

14           2.       On November 4, 2022, EO’s counsel, on behalf of EO, executed and  
15 provided Plaintiff’s counsel a Notice and Acknowledgement of Receipt of the  
16 Complaint, Summons, and Superior Court Civil Cover Sheet. True and correct copies  
17 of these documents are attached hereto as Exhibit 1.

18           3.       In his Complaint, Plaintiff alleges that Defendant manufactures and sells  
19 numerous cosmetics and personal care products, including various scents and sizes  
20 of multiple lotions, 3-in-1 soaps, kids soaps, shampoos, conditioners, hand soaps,  
21 hand sanitizers sprays and wipes, (the “Products”) throughout the United States, and  
22 that the Defendant “falsely and misleadingly label[s] their products with the  
23 following claims: “Made with plants,” “plant-based,” “plant-based moisturizers,”  
24 “made with plants,” “made with plant extracts,” and/or “made with plant-based  
25 extracts” (hereinafter collectively, “Plant-Based Representations” or “False  
26 Advertising Claims”).” (See Complaint (“Compl.”), ¶ 6) Plaintiff seeks, among other  
27 things, to certify a putative class that purports to include “[a]ll residents of the United  
28 States who, within the applicable statute of limitations periods, purchased the

1 Products (“Nationwide Class”); and All residents of California who, within four years  
2 prior to the filing of this Complaint, purchased the Products (“California Subclass”).  
3 (*Id.*, ¶ 85).

4 4. The Complaint purports to allege causes of action against Defendant for  
5 supposed violations of California Business and Professions Code §§ 17200 (the  
6 Unfair Competition Law (“UCL”)) and 17500 (the False Advertising Law (“FAL”)),  
7 the Consumer Legal Remedies Act, Cal. Civ. Code § 1750 (“CLRA”), breach of  
8 express warranty, and unjust enrichment.

9 5. On October 5, 2022, a Notice of Case Management Conference was  
10 issued and the case was assigned to the Hon. Andrew E. Sweet of the Superior Court  
11 of the State of California for the County of Marin, reflecting a conference date of  
12 February 22, 2023. A true and correct copy of the Initial Status Conference Order is  
13 attached hereto as Exhibit 2.

14 6. A true and correct copy of the register of actions from Marin County  
15 Superior Court as of December 2, 2022, is attached hereto as Exhibit 3.

16 7. This removal is timely as required by 28 U.S.C. § 1446(b) as it is  
17 brought within thirty (30) days of November 4, 2022, the date service of the  
18 Complaint was accepted by Defendant.

19 **SUBJECT MATTER JURISDICTION**

20 8. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§  
21 1332, 1441, and 1453. This Court specifically has jurisdiction under the Class Action  
22 Fairness Act of 2005 (“CAFA”), codified in part at 28 U.S.C. §§ 1332(d)(2) and  
23 1453(b), because it is a civil action styled as a class action in which: (1) the number  
24 of members of the proposed plaintiff class is not less than one hundred, in the  
25 aggregate; (2) the matter in controversy exceeds the sum or value of \$5,000,000,  
26 exclusive of interest and costs; and (3) any member of the class of plaintiffs is a  
27 citizen of a State different from any defendant. 28 U.S.C. §§ 1332(d)(2), (d)(5)(B)  
28 and (d)(6).

**PLAINTIFF’S CASE IS STYLED AS A PUTATIVE CLASS ACTION  
WITH A PROPOSED CLASS OF NOT LESS THAN 100 MEMBERS**

9. The Court has CAFA jurisdiction because this lawsuit is a putative class action, and the proposed class comprises of more than 100 individuals. (Compl., ¶ 85).

10. CAFA jurisdiction exists over any “class action” brought under any “State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action[.]” 28 U.S.C. § 1332(d)(1)(B). This case constitutes a “class action” for purposes of removal because Plaintiff styles his complaint as a “Class Action.” (Compl. caption). Plaintiff alleges “[t]he class is so numerous that joinder of all members is impracticable and the disposition of their claims in a class action will benefit the parties and the Court.” (*Id.* ¶ 88). Thus, this action qualifies as a class action under CAFA.

11. CAFA jurisdiction exists unless “the number of members of all proposed plaintiff classes in the aggregate is less than 100.” 28 U.S.C. § 1332(d)(5)(B). CAFA defines class members as “the persons named or unnamed) who fall within the definition of the proposed or certified class in a class action.” 28 U.S.C. § 1332(d)(1)(D). This requirement is met here because Plaintiff alleges that the purported class “consists of tens of thousands of purchasers.” (Compl., ¶ 88). Thus, on the face of the pleadings there are more than 100 members in Plaintiff’s proposed class.

**THE AMOUNT IN CONTROVERSY EXCEEDS \$5 MILLION**

12. Under CAFA, “the claims of individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interests and costs.” 28 U.S.C. § 1332(d)(6).

13. Congress intended federal jurisdiction to be appropriate under CAFA “if the value of the matter in litigation exceeds \$5,000,000 either from the viewpoint of the plaintiff or the viewpoint of the defendant, and regardless of the type of relief

sought (e.g., damages, injunctive relief, or declaratory relief).” Sen. Jud. Comm. Rep., S. REP. 109-14, at 42. Moreover, any doubts regarding the amount in controversy requirement under CAFA should be resolved in favor of federal jurisdiction. S. Rep. 109-14, at 42-43 (“[I]f a federal court is uncertain about whether ‘all matters in controversy’ in a purported class action ‘do not in the aggregate exceed the sum or value of \$5,000,000, the court should err in favor of exercising jurisdiction over the case.... Overall, new section 1332(d) is intended to expand substantially federal court jurisdiction over class actions. Its provisions should be read broadly....”).

14. Because Plaintiff has not expressly pled a specific amount of damages, a removing party need only show that it is more likely than not that the amount in controversy exceeds \$5,000,000. *See Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 376 (9th Cir. 1997). In *Dart Cherokee Basin Operating Company, LLC v. Owens*, 135 S. Ct. 547, 554 (2014), the United States Supreme Court held that where a plaintiff’s complaint is silent as to whether the amount in controversy is less than CAFA’s jurisdictional threshold of \$5,000,000, “a defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” Following *Dart*, the Ninth Circuit confirmed “a removing defendant’s notice of removal need not contain evidentiary submissions but only plausible allegations of the jurisdictional elements,” and further that “when a defendant’s allegations of removal jurisdiction are challenged, the defendant’s showing on the amount in controversy may rely on reasonable assumptions.” *Salter v. Quality Carriers, Inc.*, 974 F.3d 959, 963 (9th Cir. 2020) (citations and internal quotation marks omitted). Further, “[n]o ‘antiremoval presumption attends cases invoking CAFA’ because ‘Congress enacted [CAFA] to facilitate adjudication of certain class actions in federal court.’” *Adams v. Toys ‘R’ US – Delaware, Inc.*, 2015 U.S. Dist. LEXIS 11338, at \*5-6 (N.D. Cal. Jan. 29, 2015) (quoting *Dart*, 135 S. Ct. at 554). On the contrary, courts are required to interpret CAFA’s provisions broadly

1 in favor of removal. *Jordan v. Nationstar Mortg. LLC*, 781 F.3d 1178, 1183-84 (9th  
2 Cir. 2015).

3 15. “In determining the amount in controversy, the Court accepts the  
4 allegations contained in the complaint as true and assumes the jury will return a  
5 verdict in the plaintiff's favor on every claim.” *Henry v. Cent. Freight Lines, Inc.*, 692  
6 F. App'x 806, 807 (9th Cir. 2017). “The amount in controversy is simply an estimate  
7 of the total amount in dispute, not a prospective assessment of defendant's liability.”  
8 *Lewis v. Verizon Communs., Inc.*, 627 F.3d 395, 400 (9th Cir. 2010).

9 16. In *Chavez v. JPMorgan Chase*, 888 F.3d 413, 414-15 (9th Cir. 2018),  
10 the Ninth Circuit held that “the amount in controversy is determined by the complaint  
11 operative at the time of removal and encompasses all relief a court may grant on that  
12 complaint if the plaintiff is victorious.” The Court may consider “allegations in the  
13 complaint and in the notice of removal, as well as summary-judgment-type evidence  
14 relevant to the amount in controversy.” *Id.* at 416. The amount in controversy may  
15 include “damages (compensatory, punitive, or otherwise) and the cost of complying  
16 with an injunction, as well as attorneys' fees awarded under fee shifting statutes.” *Id.*  
17 (quoting *Gonzales v. CarMax Auto Superstores, LLC*, 840 F.3d 644, 648-49 (9th Cir.  
18 2016)). “[W]hen a statute or contract provides for the recovery of attorneys' fees,  
19 prospective attorneys' fees must be included in the assessment of the amount in  
20 controversy.” *Arias v. Residence Inn*, 936 F.3d 920, 922 (9th Cir. 2019) (citing  
21 *Fritsch v. Swift Transp. Co. of Ariz., LLC*, 899 F.3d 785, 794 (9th Cir. 2018)).

22 17. As discussed above, Plaintiff brings this action on behalf of a purported  
23 class of consumers consisting of a Nationwide Class and a California Subclass of all  
24 of all purchasers who within four years prior to the filing of this Complaint,  
25 purchased the Products (*Id.* ¶ 85). Plaintiff alleges claims for relief under the UCL,  
26 FAL, CLRA, and for Breach of Express Warranty, as well as a claim under California  
27 common law for Unjust Enrichment. Under the UCL and FAL, Plaintiff seeks  
28 damages, restitution, and/or disgorgement of the full purchase price of the Products

1 (*id.* ¶¶ 141, 152). Plaintiff also seeks a monetary award for violations of the CLRA in  
2 the form of damages, restitution, and/or disgorgement of ill-gotten gain (*id.* ¶ 172).  
3 Plaintiff summarizes the relief he seeks as “an order ...enjoining Defendants from  
4 continuing to market, advertise, distribute, and sell the Products...,” “an order  
5 awarding restitution, monetary damages, and/or disgorgement of wrongful profits,”  
6 “pre- and post- judgment interest,” “an order awarding attorneys’ fees and costs,” and  
7 “an order awarding punitive damages....” (*id.* Prayer for Relief, 3-7.)

8       18. Actions under the UCL and FAL generally only allow for the remedies  
9 of restitution and injunctive relief. *Pfizer Inc. v. Super. Ct.*, 182 Cal. App. 4th 622,  
10 631, 105 Cal. Rptr. 3d 795 (2010). “An order for restitution is an order ‘compelling a  
11 UCL defendant to return money obtained through an unfair business practice to those  
12 persons in interest from whom the property was taken’...” *Spintouch, Inc. v. Outform,*  
13 *Inc.*, No. SA CV 21-00840-DOC-ADS, 2021 U.S. Dist. LEXIS 246060, at \*23 (C.D.  
14 Cal. Nov. 8, 2021) (quoting *Korea Supply Co. v. Lockheed Martin Corp.*, 29 Cal. 4th  
15 1134, 1144-45, 131 Cal. Rptr. 2d 29, 63 P.3d 937 (2003)). The CLRA additionally  
16 allows plaintiffs to recover actual and punitive damages, as well as attorneys’ fees, to  
17 a prevailing plaintiff. Cal. Civ. Code §§ 1780(a)(1), (a)(4), (e).

18       19. Plaintiff’s Complaint fails to affirmatively disclose the amount in  
19 controversy or information from which Defendant could readily ascertain the amount  
20 in controversy without independent investigation and analysis. As such, through the  
21 Declaration of Susan Griffin-Black (“Griffin-Black Decl.”) filed concurrently  
22 herewith, Defendant provides calculations only to demonstrate that the amount in  
23 controversy in this case exceeds the jurisdictional amount under CAFA jurisdiction.  
24 Defendant makes no admission of any liability or damages with respect to any aspect  
25 of this case, or to the proper legal test to be applied to Plaintiff’s claims. Nor does  
26 Defendant waive its right to ultimately contest the proper amount of damages due, if  
27 any, should Plaintiff prevail with respect to any of her claims.

1        20. The costs of refunding the full purchase price to all putative class  
2 members during a four-year class period far exceeds the \$5,000,000.00 jurisdictional  
3 minimum. *See* Griffin-Black Decl., ¶2.

4        21. Thus, although Defendant denies Plaintiff's allegations of liability,  
5 injury, and damages and will oppose certification of the putative class, taking  
6 Plaintiff's allegations as true, this is a "civil action in which the matter in controversy  
7 exceeds the sum or value of \$5,000,000, exclusive of interests and costs[.]" 28 U.S.C.  
8 § 1332(d)(2). Defendant has a good-faith belief that the damages, restitution,  
9 injunctive relief and attorneys' fees claimed by Plaintiff for treatment on a class basis  
10 for all consumers Nationwide, as well as the California Subclass, for the alleged four-  
11 year period would easily exceed \$5,000,000, provided such remedies were granted in  
12 full as demanded in the Complaint.

13        **CLASS MEMBERS ARE CITIZENS OF DIFFERENT STATES**

14        22. CAFA jurisdiction is met where "any member of a class of plaintiffs is a  
15 citizen of a State different from any defendant." 28 U.S.C. § 1332(d)(2)(A). That  
16 requirement is met here. Plaintiff seeks to certify a class of a Nationwide Class, i.e.,  
17 "[a]ll residents of the United States who, within the applicable statute of limitations  
18 periods, purchased the Products." (Compl., ¶ 85). Thus, at least one plaintiff is  
19 diverse from at least one defendant, and there is minimal diversity under 28 U.S.C. §  
20 1332(d)(2)(A).

21        **EXCEPTIONS TO REMOVAL DO NOT APPLY**

22        23. This action does not fall within any exclusions to removal jurisdiction  
23 recognized by 28 U.S.C. § 1332(d)(3), (4), (9) or 28 U.S.C. § 1453(d).

24        24. In addition, this action does not fall within any of the other categorical  
25 exceptions under CAFA. *See* 28 U.S.C. § 1332(d)(9)(A), (B), and (C) (making  
26 exceptions for an action (1) "concerning a covered security"; (2) that relates to the  
27 internal affairs or governance of a corporation or other form of business enterprise";  
28 (3) "that relates to the rights, duties (including fiduciary duties), and obligations

1 related to or created by or pursuant to any security...”); *see also* 28 U.S.C. § 1453(d)  
2 (same exceptions).

3 **ALL PROCEDURAL REQUISITES ARE SATISFIED**

4 25. 28 U.S.C. § 1441(a) allows civil actions brought in state to be removed  
5 to the district court “embracing the place where such action is pending.” The  
6 Complaint was filed and currently is pending in the Superior Court of the State of  
7 California for the County of Marin. This District is the proper venue for this action  
8 upon removal pursuant to 28 U.S.C. § 1441(a) because it is the District that embraces  
9 the county where the state court action was pending.

10 26. Pursuant 28 U.S.C. § 1446(a), copies of all process, pleadings, and  
11 orders are attached hereto as Exhibits 1 and 2.

12 27. Defendant will promptly serve a notice of filing of removal, with a copy  
13 of the Notice of Removal annexed thereto, onto Plaintiff’s attorney and will file such  
14 notice with the Clerk of the Superior Court of the State of California for the County  
15 of Marin.

16 **CONCLUSION AND DEMAND FOR JURY**

17 28. For the foregoing reasons, Defendant EO Products, LLC, hereby  
18 removes this case from Superior Court of the State of California for the County of  
19 Marin to this United States District Court for the Northern District.

20 29. Defendant EO Products, LLC hereby demands a jury pursuant to Federal  
21 Rule of Civil Procedure 38(b) on all issues subject to a jury trial raised in the  
22 Complaint of Plaintiff.

23  
24 DATED: December 2, 2022

/s/ Angela L. Diesch  
Angela L. Diesch

26  
27 *Attorney for Defendant*  
EO Products, LLC

## **EXHIBIT 1**



SUM-100

# SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:** EO PRODUCTS, LLC, a Delaware Limited  
**(AVISO AL DEMANDADO):** Liability Company; and DOES 1-100, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

DREW MOORE, as an individual and on behalf of all others similarly situated

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

# FILED

OCT 05 2022

JAMES M. KIM, Court Executive Officer  
MARIN COUNTY SUPERIOR COURT  
By: J. Chen, Deputy

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: Superior Court for the State of California  
(El nombre y dirección de la corte es):  
for the county of Marin- Marin County Superior Court  
3501 Civic Center Drive, San Rafael, California 94903

CASE NUMBER:  
(Número del Caso): **2203224**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
CROSNER LEGAL, PC 9440 Santa Monica Blvd., Ste. 301, Beverly Hills, CA 90210 Tel: (310) 496-5818

DATE:  
(Fecha)

**OCT 05 2022**

Clerk, by  
(Secretario)

**J. CHEN**

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**JAMES M. KIM**

[SEAL]



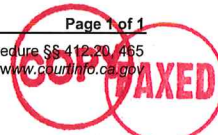
**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael R. Crosner (SBN 41299), Zachary M. Crosner (SBN. 272295), Jamie Serb (SBN 289601) CROSNER LEGAL, PC, 9440 Santa Monica Blvd., Ste. 301, Beverly Hills, CA 90210 TELEPHONE NO.: (310) 496-5818 FAX NO. (Optional): (310) 510-6429 E-MAIL ADDRESS: zach@crosnerlegal.com, jamie@crosnerlegal.com ATTORNEY FOR (Name): Drew Moore	<b>FOR COURT USE ONLY</b>  <div style="font-size: 24pt; color: blue; font-weight: bold;">RECEIVED</div> <div style="font-size: 18pt; color: blue;">OCT 05 2022</div> <div style="color: blue;">MARIN COUNTY SUPERIOR COURT</div>		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Marin</b> STREET ADDRESS: 3501 Civic Center Drive MAILING ADDRESS: CITY AND ZIP CODE: San Rafael, California 94903 BRANCH NAME: Marin County Superior Court	CASE NUMBER: <span style="font-size: 24pt; font-weight: bold;">2203224</span> JUDGE: DEPT.: <b>ANDREW E. SWEET</b>		
CASE NAME: DREW MOORE v. EO PRODUCTS, LLC INC.			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; vertical-align: top;"> <b>CIVIL CASE COVER SHEET</b>  <input checked="" type="checkbox"/> <b>Unlimited</b>            (Amount demanded exceeds \$25,000)         </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> <b>Limited</b>            (Amount demanded is \$25,000 or less)         </td> <td style="width: 33%; vertical-align: top;"> <b>Complex Case Designation</b>  <input type="checkbox"/> Counter <input type="checkbox"/> Joinder            Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)         </td> </tr> </table>		<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)	<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)	<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1–6 below must be completed (see instructions on page 2).

1. Check <b>one</b> box below for the case type that best describes this case:		
<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |   |  |
|---|--|
| a. <input type="checkbox"/> Large number of separately represented parties  | d. <input checked="" type="checkbox"/> Large number of witnesses   |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 5
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 04, 2022

Zachary Crosner

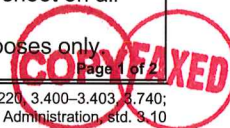
(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.



## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

**Auto Tort**

Auto (22)–Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice–Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case–Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ–Administrative Mandamus  
Writ–Mandamus on Limited Court Case Matter  
Writ–Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal–Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

## **EXHIBIT 2**

**FILED****MARIN COUNTY SUPERIOR COURT**P.O. Box 4988  
San Rafael, CA 94913-4988

OCT 05 2022

JAMES M. KIM, Court Executive Officer  
MARIN COUNTY SUPERIOR COURT  
By: J. Chen, Deputy

PLAINTIFF:

MOORE

CASE NO.

2203224

vs.

DEFENDANT:

E O Products, LLC

**NOTICE OF CASE  
MANAGEMENT CONFERENCE  
(CIVIL)**

(Pursuant to Government Code Section 68600 et seq.)

*Pursuant to Local Rule 2.3, the plaintiff must serve a copy of this Notice of Case Management Conference, a blank Case Management Statement (Judicial Council Form CM-110), a blank Notice of Settlement of Entire Case (Judicial Council Form CM-200), and an Alternative Dispute Resolution (ADR) Informational Notice (CV006) together with the complaint on all parties.*

This case is assigned for all purposes to Judge ANDREW E. SWEET in Courtroom E.

1. The parties/counsel to this action shall comply with the filing and service deadlines in Local Rule 2.5 and California Rule of Court 3.110, or appear at the Order to Show Cause hearing on the dates set forth below:

Failure to File Proof of Service

     /      /      8:30 / 9:00 A.M.

Failure to Answer

     /      /      8:30 / 9:00 A.M.

2. Parties must appear for Case Management Conference on 2 / 22 / 23 8:30 / 9:00 A.M.
3. The parties must be familiar with the case and be fully prepared to discuss the suitability of the case for binding or non-binding arbitration, mediation, or neutral case evaluation. **Counsel must discuss ADR options with their clients prior to attending the Case Management Conference** and should be prepared to discuss with the court their authority to participate in ADR.
4. Case Management Conference Statements must be filed with the court and served on all parties at least 15 calendar days before the Case Management Conference. **(Late filing may result in the issuance of sanctions.)**

Distribution: Original - Court File; Canary - Plaintiff

## **EXHIBIT 3**

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

DREW MOORE	DATE FILED:	10/5/2022
PLAINTIFF(s)	CASE TYPE:	COMPLAINT
VS.	CASE SUBTYPE:	MISCELLANEOUS/OTHER
EO PRODUCTS, LLC	DATE OF LAST ACTIVITY:	10/25/2022
DEFENDANT(s)	DATE/TIME RUN:	12/02/2022 12:32 PM
REGISTER OF ACTIONS	CASE NUMBER:	CIV 2203224

## INVOLVED PERSON/PARTY AND ATTORNEY SUMMARY:

MOORE, DREW is the PLAINTIFF and is represented by: CROSNER, ZACHARY M.

EO PRODUCTS, LLC, A DELAWARE LIMITED LIABILITY COMPANY is the DEFENDANT and is represented by:

## REGISTER OF ACTIONS:

10/05/2022 CASE OPEN / ACTIVE STATUS HON ANDREW E SWEET

10/05/2022 CASE MARKED AS SAMPLE

10/05/2022 FILING FEE PROCESSED: PLTF, DREW MOORE - 435.00

10/05/2022 COMPLAINT/FIRST PAPER CLASS ACTION COMPLAINT FOR VIOLATION OF UNFAIR COMPETITION LAW, FALSE ADVERTISING LAW, CONSUMERS LEGAL REMEDIES ACT, BREACH OF WARRANTY, UNJUST ENRICHMENT

10/05/2022 SUMMONS ISSUED

10/05/2022 HEARING CONFIRMED FOR: 02/22/2023 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D14

10/25/2022 PROOF OF SERVICE FILED, AS TO: DEFT, EO PRODUCTS, LLC, A DELAWARE LIMITED LIABILITY COMPANY BY SUB SVC ON 10/21/22

**CERTIFICATE OF SERVICE**

I am over the age of 18 and not a party to the within action; my business address is 515 South Flower St., 18<sup>th</sup> Floor, Los Angeles, CA 90071.

On December 2, 2022, I have served the foregoing documents described as **EO PRODUCTS, LLC'S NOTICE OF REMOVAL** on the following person(s) in the manner(s) indicated below:

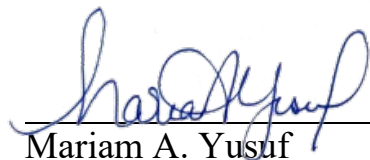
Michael Crosner, Esq.  
CROSNER LEGAL, PC  
9440 Santa Monica Blvd., Ste. 301  
Beverly Hills, CA 90210  
Tel: 310-496-5818  
mike@crosnerlegal.com  
Plaintiff

☒ (BY ELECTRONIC SERVICE) I am causing the document(s) to be served on the Filing User(s) through the Court's Electronic Filing System.

☒ (BY ELECTRONIC TRANSMISSION) I served electronically from the electronic notification address of mariam@amintalati.com the document described above and a copy of this declaration to the person and at the electronic notification address set forth herein.

☐ (BY MAIL) I am familiar with the practice of Amin Talati Wasserman, LLP for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope, with postage fully prepaid, addressed as set forth herein, and such envelope was placed for collection and mailing at Amin Talati Wasserman, LLP, following ordinary business practices.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on December 2, 2022.

  
Mariam A. Yusuf